

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80351 of 2023

Arising Out of PS. Case No.-275 Year-2022 Thana- RANIYATALAB District- Patna

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PRAKASH YADAV @ OM PRAKASH KUMAR SON OF NAND
KISHORE YADAV R/O VILLAGE- DHANA, P.S.- RANI TALAB, DIST.-
PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashutosh Singh

For the Opposite Party/s : Mr.Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-01-2024

1. Heard the parties.

2. The petitioner apprehends his arrest in connection
with Rani Talab P.S. Case No. 275 of 2022 dated 01.12.2022
registered under Section 414 of the I.P.C.

3. As per the First Information Report on 01.12.2022
the Police got information that one stolen Splendor motorcycle
has been parked in front of the house of the co-accused / Ankit
Kumar, who has been using the said motorcycle since long.
Upon information, the Police party reached at the house of the
co-accused / Ankit Kumar where the motorcycle was found and
the co-accused / Ankit Kumar was arrested. Upon interrogation,
he disclosed that the stolen motorcycle has been purchased by
him from one unknown person on payment of Rs. 6000/-. He



further disclosed that one another stolen motorcycle is with the co-villager namely, Prakash Yadav (i.e. petitioner). Upon such information the Police party arrived at the house of the petitioner and found that his house was locked but a Glamour motorcycle was parked in front of his house.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has been made accused on the basis of disclosure of his name by the co-accused / Ankit Kumar. He further submits that from perusal of the First Information Report it would be evident that the motorcycle in question was not recovered from inside the house of the petitioner but the same was parked in front of the house of the petitioner while the house of the petitioner was locked. Learned counsel next submits that motorcycle was not recovered from the conscious possession of the petitioner rather the same has been seized from outside the house which is an open place accessible to all and sundry.

5. Regard being had to the submission made by the parties, taking into consideration the fact that at the time of seizure of the motorcycle the house of the petitioner was locked, motorcycle has been recovered from a 'parti' land in front of the locked house of the petitioner and the petitioner is having no



criminal antecedent, as such, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri Sanjay Kumar, J.M. 1st Class, Danapur, Patna in connection with Rani Talab P.S. Case No. 275 of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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